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Application Serial No: 10/521,630
Responsive to the Office Action mailed on: November 27, 2007

REMARKS

This Amendment is in response to the Office Action mailed on November 27, 2007. Claims 1 and 7 are amended editorially. Claims 1-12 are pending.

Claim Objections:

Claims 1 and 7 are objected to for informalities. In particular, the present Office Action finds the term "variable value" as unclear. Applicants have amended claims 1 and 7 to state "a non-fixed variable value that varies depending on the emitting power of the laser light source" to clarify the meaning of the term "variable value". Withdrawal of this objection is requested.

§103 Rejections:

Claims 1, 2, 5-8, 11 and 12 are rejected as being unpatentable over Kaneko (US Patent No. 5,471,449) in view of Ushiyama (US Patent No. 6,842,412). This rejection is traversed.

Claim 1 is directed to a deficiency detecting apparatus that requires, among other features, a deficiency detecting section for comparing a threshold value determined by calculating a non-fixed variable value that varies depending on the emitting power of the laser light source adjusted by a power adjusting section with a value corresponding to reflected light that is the light beam reflected by an information layer of the information medium. Claim 7 is directed to a deficiency detecting apparatus that requires, among other features, an amplification factor determined by calculating a non-fixed variable value that varies depending on the emitting power of the laser light source adjusted by the power adjusting section so as to generate a signal for amplified reflected light amount.

The combination of Kaneko and Ushiyama does not teach or suggest these features. The rejection relies on Figures 5 and 6 of Ushiyama for teaching a threshold value determined by calculating a variable value of the emitting power. However, Ushiyama merely teaches circulating the recording power Pw1 based on a jitter, wherein the jitter of Pw1 is 13% (see column 8, lines 11-29). Nowhere does Ushiyama teach or suggest calculating a threshold value or an amplification factor determined by calculating a non-fixed variable value that varies depending on the emitting power. For at least these

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reasons claims 1 and 7 are not suggested by the combination of Kaneko and Ushiyama.
Claims 2-5 depend from claim 1 and should be allowed for at least the same reasons.
Claims 8, 11 and 12 depend from claim 7 and should be allowed for at least the same reasons.

Conclusion:

Applicants respectfully assert that claims 1-12 are in condition for allowance. If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicants' primary attorney-of record, Douglas P. Mueller (Reg. No. 30,300), at (612) 455-3804.



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Respectfully submitted,

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